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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA

Order

The 25th April, 2018

No. SEC/3ME/2018/3104.—

Subject :- Disqualification of Sh. Harkesh, contesting candidate from Ward No.10 of Municipal Committee, Narnaund.

The General Election of Municipal Committee, Narnaund was held on 20.02.2013 and the result of the elected candidates was declared on the same day.

2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its Notification No. SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, Sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs.50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Narnaund and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* Order No. SEC/1ME/2017/2017, dated 01.12.2017 and further modified *vide* Order No. SEC/1ME/2018/842, dated 28.02.2018 to decide the cases of disqualification of the candidates of the above said municipality, who failed to lodge their account of election expenses.

6. As reported by the Secretary, Municipal Committee, Narnaund, Sh. Harkesh, candidate had contested the election from Ward No.10 of Municipal Committee, Narnaund but failed to submit his election expenditure account within the prescribed time or thereafter. I, had given him personal hearing on 26.03.2018 in the PWD Rest House, Jind. Sh. Mahavir Singh, Building Inspector of the Municipal Committee, Narnaund, represented the Deputy Commissioner Jind. The above said candidate appeared for personal hearing and submitted the following:-

“He had deposited his election expenditure register after election in DRDA office, Hisar and receipt has been lost.”

7. On perusal of record of the case and after hearing of the candidate, a report has been obtained from the Deputy Commissioner, Hisar *vide* which it has been found that he had not submitted the expenditure register in the office of DRDA, Hisar, I am satisfied that the above said candidate failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate submitted no good reason or justification for his failure to submit election expenditure account. Hence, he deserves to be disqualified. I, Parmal Singh, Assistant State Election Commissioner, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Section 10A of the Representation of People Act, 1951 hereby order that **Sh. Harkesh** is disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

8. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Hisar immediately.

PARMAL SINGH,
Assistant State Election Commissioner, Haryana.